

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS LIABILITY	)	MDL No. 02419
LITIGATION	)	Docket No. 1:13-md-2419-RWZ
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This document relates to:	)	
)		
All Cases against the Box Hill Defendants <sup>1</sup>	)	
)		

**JOINT REQUEST FOR EXTENSION OF TIME**

During the Status Conference held on July 28, 2016, the Honorable Magistrate Judge Jennifer Boal approved an extension of time beyond August 1, 2016, for the completion of fact discovery in the Box Hill cases, based on counsel for the Defendants, Mr. Greg Kirby's request for the extension, as "messenger" for the parties. As Mr. Kirby correctly said, the extension of time was needed to complete certain depositions of fact witnesses for reasons beyond the parties' control. Judge Boal stated that this was not a problem as long as the deadline of September 1, 2016, for Plaintiffs' Common Issue Expert Reports is not changed. However, at the time this matter was discussed at the Status Conference, counsel were all unaware that the deposition of one of the fact witnesses, Barbara Wagner, would not be conducted until August 30, 2016. In view of this late scheduling, the parties request a brief extension of time, 14 days, to serve their common issue expert witness reports, i.e., September 15, 2016, for Plaintiffs and October 17,

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<sup>1</sup> This pleading applies to the following cases: Handy v. Box Hill Surgery Center, LLC, et al. No: 1:14-cv-14019-RWZ; Armetta v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14022-RWZ; Torbeck v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14023-RWZ; Kashi v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14026-RWZ; Bowman v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14028-RWZ; Dreisch v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14029-RWZ; Davis v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14033-RWZ; Farthing v. Box Hill Surgery Center, LLC, et al. No. 1:14-cv-14036-RWZ

2016 for Defendants. The balance of the Amended Order Setting Discovery Deadlines, dated July 14, 2016 (Dkt. 2990) would not change.

We accordingly respectfully request this brief extension of time so that Plaintiffs' experts can review all fact witness testimony in adequate time to prepare and finalize their reports.

WHEREFORE, the parties request a brief extension of time, 14 days, to serve their common issue expert witness reports, i.e., September 15, 2016, for Plaintiffs and October 17, 2016 for Defendants.

Dated: July 29, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Patricia J. Kasputys, certify that I caused a copy of the above Joint Request for Extension of Time to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: July 29, 2016

Respectfully submitted,

/s/ Patricia J. Kasputys